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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE DENTAL BUREAU OF CALIFORNIA**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 DONG JUN YOO  
18810 Chessington Place  
Rowland Heights, CA 91748

14 Dental License No. 47023

15 Respondent.

Case No. DBC 2008-30

**A C C U S A T I O N**

16 Complainant alleges:

17 **PARTIES**

18 1. Cathleen J. Poncabare (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Dental Bureau of California, Department of  
20 Consumer Affairs (Bureau).

21 2. On or about November 10, 1999, the Dental Bureau of California issued  
22 Dental License Number 47023 to Dong Jun Yoo (Respondent). The Dental License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
24 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Bureau, under the authority of the  
27 following laws. All Section references are to the Business and Professions Code (Code) unless  
28 otherwise indicated.

## STATUTORY PROVISIONS

4. Section 101.1, subdivision (b) states:

(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department.

5. Section 118, subdivision (b), provides in pertinent part, that the suspension of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 150 states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

7. Section 477 states in pertinent part:

As used in this division:

"(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

"(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code."

8. Section 480 states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

1 Any action which a board is permitted to take following the establishment of a conviction may be  
2 taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on  
3 appeal, or when an order granting probation is made suspending the imposition of sentence,  
4 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

5 "(2) Done any act involving dishonesty, fraud or deceit with the intent to  
6 substantially benefit himself or another, or substantially injure another. . . .

7 . . . .

8 9. Section 490 states in pertinent part:

9 "A board may suspend or revoke a license on the ground that the licensee  
10 has been convicted of a crime, if the crime is substantially related to the qualifications, functions,  
11 or duties of the business or profession for which the license was issued. A conviction within the  
12 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
13 contendere. Any action which a board is permitted to take following the establishment of a  
14 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
15 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
16 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
17 Penal Code."

18 10. Section 1670.1 states in pertinent part:

19 "Any licentiate under this chapter [chapter 4 (commencing with section  
20 1600)] may have his or her license revoked or suspended or be reprimanded or be placed on  
21 probation by the board for conviction of a crime substantially related to the qualifications,  
22 functions, or duties of a dentist or dental auxiliary, in which case the record of conviction or a  
23 certified copy thereof, certified by the clerk of the court or by the judge in whose court the  
24 conviction is had, shall be conclusive evidence.

25 "The board shall undertake proceedings under this section upon the receipt  
26 of a certified copy of the record of conviction. A plea or verdict of guilty or a conviction  
27 following a plea of nolo contendere made to a charge of a felony or of any misdemeanor  
28 substantially related to the qualifications, functions, or duties of a dentist or dental auxiliary is

1 deemed to be a conviction within the meaning of this section. The board may order the license  
2 suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or  
3 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
4 made suspending the imposition of sentence, irrespective of a subsequent order under any  
5 provision of the Penal Code, including, but not limited to, Section 1203.4 of the Penal Code,  
6 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or  
7 setting aside the verdict of guilty, or dismissing the accusation, information or indictment."

8 11. Section 1680 states in pertinent part:

9 "Unprofessional conduct by a person licensed under this chapter [Chapter  
10 4 (commencing with section 1600)] is defined as, but is not limited to, any one of the following:

11 .....  
12 "(e) the committing of an act or acts of gross immorality substantially  
13 related to the practice of dentistry.

14 .....  
15 "(x) Any action or conduct which would have warranted the denial of the  
16 license."

#### 17 REGULATORY PROVISIONS

18 12. California Code of Regulations, section 1019, states:

19 "For the purposes of denial, suspension or revocation of a license of a  
20 dentist or a dental auxiliary pursuant to Division 1.5 (commencing with Section 475) of the  
21 Code, a crime or act shall be considered to be substantially related to the qualifications,  
22 functions, or duties of a dentist or dental auxiliary if to a substantial degree it evidences present  
23 or potential unfitness of a licensee to perform the functions authorized by his license in a manner  
24 consistent with the public health, safety, or welfare. . . .

#### 25 COST RECOVERY

26 13. Section 125.3, subdivision (a), states, in pertinent part:

27 "Except as otherwise provided by law, in any order issued in resolution of  
28 a disciplinary proceeding before any board within the department . . . the board may request the

1 administrative law judge to direct a licentiate found to have committed a violation or violations  
2 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
3 enforcement of the case."

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Substantially Related Crime)**

6 14. Respondent is subject to disciplinary action under Code section 490,  
7 subdivision (a)(1), section 1670.1, and California Code of Regulations, title 16, section 1019, in  
8 that Respondent was convicted of a crime that is substantially related to the qualifications,  
9 functions or duties of a licensed Dentist, as follows:

10 a. On or about April 4, 2007, after pleading *guilty*, Respondent was  
11 convicted of one misdemeanor count of violating Penal Code section 484, in conjunction with  
12 Penal Code section 488 [petty theft] in the criminal proceeding entitled *The People of the State of*  
13 *California v. Dong Jun Yoo* (Super. Ct. Orange County, 2007, No. 06NM15806). The Court  
14 sentenced Respondent to thirty (30) days in jail, and ordered him to pay a fine in the amount of  
15 \$444.00. Additionally, the Court placed Respondent on three (3) years probation.

16 b. The circumstances surrounding the conviction are that on or about  
17 December 4, 2006, Respondent was observed by a Fry's Electronics Loss Prevention Officer  
18 discarding two empty packages on the shelf and placing a Retractable USB device into his front  
19 left pocket of his jacket. As Respondent exited the store without paying for the merchandise in  
20 his pocket, he was approached by two Fry's Electronics Los Prevention Officers and escorted to  
21 the Loss Prevention Office. While detained in the Loss Prevention office, Respondent removed  
22 the stolen merchandise from his pocket along with a scapel blade and admitted to stealing the  
23 merchandise. The Anaheim Police Department was called and Respondent was arrested.  
24 Respondent admitted to the police officer that he brought the scalpel blade from his dental office  
25 with the intent to use it to cut open the packets of the merchandise that he planned to steal.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10.20.08



CATHLEEN J. PONCABARE  
Executive Officer  
Dental Bureau of California  
Department of Consumer Affairs  
State of California  
Complainant

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